

T DIRECTOR OF CENTRAL INTELLIGENCE

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WASHINGTON, D. C. 20505

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Office of Legislative Counsel

11 AUG 1977

Machine Entry
77-2459/A

Honorable Harrison A. Williams, Jr., Chairman
Committee on Human Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to your request for the views and recommendations of this Agency on S. 1893, a bill "To amend the Public Health Service Act to establish the President's Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, and for other purposes."

We are formulating our position with respect to this bill, and will send you our report as soon as it has been appropriately coordinated within the Executive Branch.

Sincerely,

SIGNED

[Redacted Signature]

Acting Legislative Counsel

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HARRISON A. WILLIAMS, JR.,

CHAIRMAN

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OLC 77-3305

United States Senate

COMMITTEE ON
HUMAN RESOURCES

August 8, 1977

Executive Registry

77-2459

Dear Sir:

Enclosed is a copy of a bill now pending before the Human Resources Committee, which is referred to you for consideration. I shall appreciate your submitting a report thereon at the earliest date possible, together with quadruplicate copy.

Sincerely yours,

Harrison A. Williams, Jr.

Chairman.

GPO 84-186-1

95TH CONGRESS
1ST SESSION

S. 1893

IN THE SENATE OF THE UNITED STATES.

JULY 19 (legislative day, MAY 18), 1977

MR. KENNEDY (for himself, Mr. JAVITS, Mr. PELL, and Mr. SCHWEIKER) introduced the following bill; which was read twice and referred to the Committee on Human Resources

A BILL

To amend the Public Health Service Act to establish the President's Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "President's Commission for the Protection of Human Subjects of Biomedical and Behavioral Research Act of 1977".

AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT

SEC. 2. The Public Health Service Act is amended by

OMB approval file

DCI signed

10/3/77

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Executive Registry

77-2459/B

Washington, D.C. 20505

Honorable Harrison A. Williams, Jr., Chairman
Committee on Human Resources
United States Senate
Washington, D.C. 20510

see 28-8486

x R-78-8486

Dear Mr. Chairman:

I am writing in response to your request for the views of this Agency on S. 1893, a bill "To amend the Public Health Service Act to establish a President's Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, and for other purposes."

Insuring the protection of the rights and welfare of human subjects of biomedical and behavioral research sponsored or conducted by the Central Intelligence Agency is a matter of concern to me. Current CIA guidelines require that human subject research be conducted in strict accordance with Department of Health, Education and Welfare regulations and applicable statutes and that each entity conducting research hold an approved assurance from HEW. Thus, existing Agency policy is in accord with the aims of this legislation. The proposed bill would establish a framework to further insure such protection, and I have no objections to the procedures it would establish. There are, however, several problems relating to the handling of sensitive information which I must raise with the Committee.

The provisions of the bill which would require Commission members to obtain all necessary security clearances and forbid the Commission to disclose classified information demonstrate a recognition of the need for protecting information in the interests of national security. Such information may fall into one of two categories: that which is classified pursuant to criteria established by Executive Order, and that which is designated by the Director of Central Intelligence as information involving sensitive intelligence sources and methods pursuant to his statutory responsibility (50 U.S.C. 403). Section 1811(c)(2) proposed by this bill would protect only information which "is properly classified for any purpose by a Federal agency," and therefore could be construed so as not to prohibit the disclosure of all information requiring protection in the interests of national security. This problem would be solved by adding language to forbid disclosure of information protected from disclosure by statute in addition to information classified pursuant to Executive Order.

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(EXECUTIVE SECRETARY)

OMB approval

The Commission would also have the authority to hire experts and consultants and to make grants or enter into contracts for various purposes. The bill presently does not establish security requirements applicable to these persons, and I believe the bill should be amended to state clearly that these experts, consultants or contractors are subject to the same security requirements as the Commission. I believe also that the bill should be amended to prohibit the Human Investigation Review Boards established under section 1805(a) proposed by this bill from disclosing confidential information or information protected from disclosure by statute.

Thank you for this opportunity to express my views.

The Office of Management and Budget has advised there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER

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